

**REMARKS**

Claims 1-7, 9-15, 17-20, 23-27, and 30 are pending in this application.

Applicants have amended claims 1, 2, 11, 12, and 20, and have canceled claims 8, 16, 21, 22, 28, and 29. In addition, Applicants have made a minor change to the specification. These changes do not introduce any new matter.

**Objection to the Specification**

In response to the objection to the specification, Applicants have removed the embedded hyperlink from the specification. Accordingly, Applicants request that the objection to the specification be withdrawn.

**Rejection Under 35 U.S.C. § 112**

In response to the rejection of claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite, Applicants have amended claim 2 to specify that the trade-in quote is “higher than” the cash-out quote. Accordingly, Applicants submit that claim 2 now satisfies the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of this claim thereunder be withdrawn.

**Rejection Under 35 U.S.C. § 101**

Applicants respectfully request reconsideration of the rejection of claims 28-30 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (as noted above, claims 28 and 29 have been canceled). Independent claim 30 defines a used article quotation system that includes a quotation information transmission module, a storage control module, and a trade-in procedure execution module. Thus, contrary to the Examiner’s characterization, the subject matter defined in claim 30 is not merely an algorithm. Accordingly, Applicants submit that claim 30 defines statutory subject matter under 35 U.S.C. § 101, and request that the rejection of this claim thereunder be withdrawn.

Rejections under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1 and 10 under 35 U.S.C. § 102(a) as being anticipated by the HP publication (“HP Trade-in: Overview”). Applicants have amended independent claim 1 to include the features specified in original claim 8. Thus, amended claim 1 includes features that are not disclosed in the HP publication. In light of the changes to claim 1, Applicants have canceled claim 8.

Accordingly, in view of the foregoing, claim 1, as amended herein, is patentable under 35 U.S.C. § 102(a) over the HP publication. Claim 10, which depends from claim 1, is likewise patentable under 35 U.S.C. § 102(a) over the HP publication for at least the same reasons set forth above regarding claim 1.

As noted above, Applicants have canceled claims 21, 22, 28, and 29. As such, the rejection of claims 21, 22, 28, and 29 under 35 U.S.C. § 102(a) as being anticipated by *Takaoka et al.* (“*Takaoka*”) (US 2002/0099628 A1) is moot.

Applicants respectfully request reconsideration of the rejection of claims 11, 20, and 30 under 35 U.S.C. § 102(e) as being anticipated by *Ellenson et al.* (“*Ellenson*”) (US 2003/0200151 A1). As will be explained in more detail below, the *Ellenson* reference does not disclose each and every feature of independent claims 11, 20, and 30, as presented herein.

Applicants have amended independent claim 11 along the same lines that independent claim 1 has been amended. In particular, Applicants have amended claim 11 to specify that the quotation information transmission module causes the quote determination module to determine whether the cash-out quote, which has been determined based on the quotation requirement information, is in a preset allowable cash-out value range and, when it is determined that the cash-out quote is out of the preset allowable cash-out value range, to send the quotation information excluding the cash-out quote to the user computer. These features are not disclosed in the *Ellenson* reference.

Applicants have amended independent claim 20 to define a used article quotation system that, among other features, sets a firm price or a value range based on a tentative quote, depending on the requirement of assessment of a used article. When assessment of the used article is required, the final quote setting module sets a final quote having a value range, on the condition of assessment of the used article. This feature is not disclosed in the *Ellenson* reference.

Independent claim 30 defines a used article quotation system that corresponds to the method defined in independent claim 23. The used article quotation system includes a quotation transmission module, a storage control module, and a trade-in procedure execution module. In the case where either of the information regarding the trade-in quotation request of the used article or the trade-in quote of a used article has been stored in a user computer, the trade-in procedure execution module of the system allows a trade-in procedure of a used article without requiring reentry of the information, after the user completes a product purchase procedure. This feature is not disclosed in the *Ellenson* reference.

Accordingly, in view of the foregoing, independent claims 11, 20, and 30, as presented herein, are patentable under 35 U.S.C. § 102(e) over *Ellenson*.

Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 2-5 and 8 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of Official Notice (as noted above, Applicant has herein canceled claim 8). Each of claims 2-5 ultimately depends from claim 1. The deficiencies of the HP publication relative to claim 1, as amended herein, are discussed above in connection with the anticipation rejection of claim 1. Furthermore, the method defined in claim 1 sends the quotation information excluding the cash-out quote to the user, when the cash-out quote is out of the preset allowable cash-out value range. With the presently claimed features, the method of claim 1 has the following advantageous effect. In

the case where a user desires trade-in of a used article, even when a determined cash-out quote is out of the range that the acceptor of the used article (also a seller of new articles) would tolerate, a trade-in quote is still presented to the user. Thus, the user may consider buying a new article in order to trade-in the used article. The seller can take this opportunity of a user wanting to trade-in a used article, to promote sales of new articles.

The Examiner's taking of Official Notice does not cure the deficiencies of the HP publication relative to amended claim 1. Furthermore, Applicants respectfully traverse the Examiner's taking of Official Notice and, in the event the obviousness rejection is maintained in the next Office Action, request that the Examiner cite a reference to support her position.

Accordingly, in view of the foregoing, claims 2-5 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of Official Notice for at least the reason that each of these claims ultimately depends from claim 1.

In the Office Action, the Examiner rejected claims 6 and 9 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson*. Each of claims 6 and 9 depends from claim 1. The *Ellenson* reference does not cure the above-discussed deficiencies of the HP publication relative to the subject matter defined in amended claim 1. Accordingly, claims 6 and 9 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* for at least the reason that each of these claims depends from claim 1.

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Ellenson* and further in view of Official Notice. Claim 7 ultimately depends from claim 1. As noted above, the *Ellenson* reference does not cure the above-discussed deficiencies of the HP publication relative to the subject matter defined in amended claim 1. Further, Applicants respectfully traverse the Examiner's taking of Official Notice and, in the event the obviousness rejection is maintained in the next

Office Action, request that the Examiner cite a reference to support her position. Accordingly, claim 7 is patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Ellenson* and further in view of Official Notice for at least the reason that this claim ultimately depends from claim 1.

Applicants respectfully request reconsideration of the rejection of claims 12-15 and 18 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of Applicants' Own Admissions (AOA). As will be explained in more detail below, the combination of the HP publication in view of AOA would not have suggested to one having ordinary skill in the art the subject matter defined in independent claim 12, as amended herein.

Independent claim 12, as amended herein, defines a method that sets a firm price or a value range based on a tentative quote, depending on requirement of assessment of a used article. Further, when assessment of the used article is required, the method sets a final quote having a value range, on the condition of assessment of the used article. Thus, the acceptor can switch between a final quote without a value range (a firm price) and a final quote with a value range, to present to the user, according to requirement or non-requirement of assessment of a used article for acceptance. As such, the acceptor can present a more appropriate quote based on the value of the used article.

The features specified in amended claim 12 are neither disclosed nor suggested in the HP publication. Moreover, AOA does not cure the deficiencies of the HP publication relative to the subject matter defined in amended claim 12.

Accordingly, in view of the foregoing, independent claim 12, as amended herein, is patentable under 35 U.S.C. § 103(a) over the HP publication in view of AOA. Claims 13-15 and 18, each of which depends from claim 12, are likewise patentable under 35 U.S.C. §

103(a) over the HP publication in view of AOA for at least the reason that each of these claims depends from claim 12.

In the Office Action, the Examiner rejected claims 16, 17, and 19 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of AOA and further in view of Official Notice. Each of claims 16, 17, and 19 ultimately depends from claim 12. The Examiner's taking of Official Notice does not cure the above-discussed deficiencies of the HP publication and AOA relative to the subject matter defined in amended claim 12. Furthermore, Applicants respectfully traverse the Examiner's taking of Official Notice and, in the event the obviousness rejection is maintained in the next Office Action, request that the Examiner cite a reference to support her position. Accordingly, claims 16, 17, and 19 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of AOA and further in view of Official Notice for at least the reason that each of these claims ultimately depends from claim 12.

Applicants respectfully request reconsideration of the rejection of claims 23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Takaoka*. As will be explained in more detail below, the combination of the HP publication in view of *Takaoka* would not have suggested to one having ordinary skill in the art the subject matter defined in independent claim 23.

Independent claim 23 defines a used article quotation method that is used for a trade-in of a used article from a user. In this method, in the case where either of the information regarding the trade-in quotation request of the used article or the trade-in quote of a used article has been stored in a user computer, the method allows a trade-in procedure of a used article without requiring reentry of the information, after the user completes a product purchase procedure. This feature is neither disclosed nor suggested in either the HP

publication or the *Takaoka* reference. Thus, the combination of the HP publication and the *Takaoka* reference would not have resulted in the method defined in claim 23.

Accordingly, in view of the foregoing, independent claim 23 is patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Takaoka*. Claim 25, which depends from claim 23, is likewise patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Takaoka* for at least the reason that this claim depends from claim 23.

In the Office Action, the Examiner rejected claims 24 and 27 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Takaoka* and further in view of Official Notice. Each of claims 24 and 27 depends from claim 23. The Examiner's taking of Official Notice does not cure the above-discussed deficiencies of the combination of the HP publication and *Takaoka* relative to the subject matter defined in claim 23. Furthermore, Applicants respectfully traverse the Examiner's taking of Official Notice and, in the event the obviousness rejection is maintained in the next Office Action, request that the Examiner cite a reference to support her position. Accordingly, claims 24 and 27 are patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Takaoka* and further in view of Official Notice for at least the reason that each of these claims depends from claim 23.

In the Office Action, the Examiner rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over the HP publication in view of *Takaoka* and further in view of *Ellenson*. Claim 26 depends from claim 23. The *Ellenson* reference does not cure the above-discussed deficiencies of the combination of the HP publication and *Takaoka* relative to the subject matter defined in claim 23. Accordingly, claim 26 is patentable under 35 U.S.C. § 103(a) over the combination of the HP publication in view of *Takaoka* and further in view of *Ellenson* for at least the reason that this claim depends from claim 23.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-7, 9-15, 17-20, 23-27, and 30, as presented herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP002).

Respectfully submitted,  
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